

OXFORD CAMBRIDGE AND RSA EXAMINATIONS

Advanced GCE

LAW

2573

Criminal Law Special Study

Wednesday

22 JUNE 2005

Morning

1 hour 30 minutes

Additional materials:

16-page Answer Booklet

Special Study Materials

TIME 1 hour 30 minutes

INSTRUCTIONS TO CANDIDATES

- Write your name, Centre number and candidate number in the spaces provided on the answer booklet.
- Answer **all** questions.
- Read each question carefully and make sure you know what you have to do before starting your answer.
- If you use additional sheets of paper, fasten these securely to the answer booklet.

INFORMATION FOR CANDIDATES

- The number of marks is given in brackets [] at the end of each question or part question.
- The total number of marks for this paper is **100**.
- **All questions should be answered in continuous prose. You are reminded, therefore, that you will be assessed on your ability to organise and present information and arguments logically and coherently, and to communicate clearly and accurately, taking into account grammar, punctuation and spelling.**

This question paper consists of 2 printed pages.

You are reminded of the importance of including relevant knowledge from all areas of your course, where appropriate, including the English Legal System.

Answer all questions.

- 1 In Source 1 [page 3 lines 52–53 Special Study Materials] the author suggests that the main problem with statutory interpretation is that “the intention of Parliament must be established primarily from the words used by Parliament.”

Compare the literal and purposive approaches to statutory interpretation in the light of the above statement. [30]

- 2 Discuss the extent to which the decision in Hale [Source 4 page 4 Special Study Materials] can be said to represent Parliament’s intention in the Theft Act 1968 s8. [15]

- 3 In Source 8 [page 7 lines 38–39 Special Study Materials] Lord Justice Edmund Davies stated that unless there was “an effective and substantial entry” there ought to be no conviction for burglary.

Discuss the extent to which a trespass can only amount to a burglary if it involves an ‘effective and substantial entry’ in light of the above statement. [25]

- 4 Consider whether a conviction for burglary is possible in each of the following situations:

(a) Keith intends to enter the Viva Vino Off Licence to steal the takings. In fact when he enters the owner, Pedro, has already taken all the money to the bank so Keith in frustration beats Pedro about the face breaking Pedro’s nose and jaw. (10)

(b) Frank has been invited for dinner on Gerda’s houseboat where she lives. While Gerda is preparing the first course Frank happens to look into the bedroom, the door to which is slightly open, and he sees a diamond necklace lying on the bed. He sneaks into the bedroom and steals the necklace. (10)

(c) Paul breaks into his ex-girlfriend Helga’s flat one night intending to beat her up. In fact Helga is away for the weekend. Paul is so angry that he smashes Helga’s television and stereo and rips up all of her clothes. (10)

[30]